

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROBERT GIESWEIN,

Defendant.

: CRIMINAL NO. 21-cr-24 (EGS)
 :
 :
 : 18 U.S.C. §§ 1512(c)(2), 2
 : (Obstruction of an Official Proceeding and
 : Aiding and Abetting)
 :
 : 18 U.S.C. §§ 231(a)(3), 2
 : (Obstruction of Law Enforcement During
 : Civil Disorder and Aiding and Abetting)
 :
 : 18 U.S.C. § 111(a)(1) and (b)
 : (Assaulting, Resisting, or Impeding Certain
 : Officers Using a Dangerous Weapon)
 :
 : 18 U.S.C. § 1361, 2
 : (Destruction of Government Property)
 :
 : 18 U.S.C. § 1752(a)(1)
 : (Entering or Remaining in Restricted
 : Building or Grounds with a Deadly or
 : Dangerous Weapon)

FIRST SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress’s certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

**(Obstruction of an Official Proceeding, in violation of Title 18,
United States Code, Sections 1512(c)(2), 2)**

COUNT TWO

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN, committed and attempted to commit acts, that is pushing on a police barricade on a plaza to the west of the U.S. Capitol building and spraying a substance at law enforcement officers at or near the top of a set of stairs on U.S. Capitol grounds, to obstruct, impede, and interfere with law enforcement officers, lawfully engaged in the lawful performance of their official duties, and did aid and abet others known and unknown to do the same, incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3), 2)

COUNT THREE

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN, using a deadly or dangerous weapon, that is, an aerosol irritant spray and baseball bat, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, M.F., A.D., and J.M., officers from the United States Capitol police, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involved the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon,
in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN, committed and attempted to commit acts, that is spraying a substance at officers near a room adjacent to the Crypt in the U.S. Capitol, spraying a substance at officers in or near the Capitol Visitor's Center, and pushing with other individuals against a line of officers at an exit from an area of the Capitol known as the Rotunda, to obstruct, impede, and interfere with law enforcement officers, lawfully engaged in the lawful performance of their official duties, and did aid and abet others known and unknown to do the same, incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3), 2)

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN, using a deadly or dangerous weapon, that is, an aerosol irritant spray and baseball bat, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, C.N. and C.S., officers from the United States Capitol police, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involved the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon,
in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN, using a deadly or dangerous weapon, that is, an aerosol irritant spray and baseball bat, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), that is, N.V., an officer from the United States Capitol police, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involved the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon,
in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, ROBERT GIESWEIN did willfully injure and commit depredation against property of United States, and of any department and agency thereof, and any property which has been and is being manufactured and constructed for the United States, and any department or agency thereof, that is, a window of the U.S. Capitol, causing damage in an amount more than \$1,000.

(Destruction of Government Property,
in violation of Title 18, United States Code, Sections 1361, 2)

COUNT EIGHT

On or about January 6, 2021, in the District of Columbia, ROBERT GIESWEIN did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, or otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to

do so, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, an aerosol irritant spray and a baseball bat.

(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))

A TRUE BILL:

FOREPERSON.



Attorney of the United States in
and for the District of Columbia.